

**TOWNSHIP OF MORRIS
BOARD OF ADJUSTMENT
REORGANIZATION AND REGULAR MEETING
MINUTES
JANUARY 23, 2006**

Call to Order

The regular meeting of the Township of Morris Board of Adjustment was called to order on Monday evening, January 23, 2006, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice

The following notice was issued:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Board of Adjustment by preparing a notice dated January 16, 2006, specifying the time, date and place of this meeting, posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Township of Morris; forwarding the notice to the Morris County Daily Record and the Morris News Bee, and forwarding, by mail, the said notice to all persons on the request list, and I hereby hand a copy of such notice to the Secretary of the Board of Adjustment for inclusion in the minutes of this meeting, all of the above actions being in accordance with N.J.S.A. 10:4-6, et seq., Open Public Meetings Act."

Sonia Santiago, Secretary led the Pledge of Allegiance.

Roll Call of Board Members and Professionals

Members Present

Mr. Lawrence C. Vitale
Mr. George Clark
Mr. Joseph Calvanelli, Alternate #1
Mr. James C. Allison
Mr. Rick A. Haan
Mrs. Norma Larkin

Members Absent

Mr. Timothy Kronk
Mr. Thomas A. Zelante

Also Present

Mr. Rich Oller, Attorney
Mr. James Slate, Board Engineer
Ms. Tirrell Loftin, Zoning Official
Ms. Sonia Santiago, Board Secretary

RE-ORGANIZATION

Oath of Allegiance and Oath of Office administered by Mr. Rich Oller, Esquire to the following:

- Mr. Larry Vitale
- Ms. Norma Larkin

Sonia Santiago asked for nomination for Chairperson for the year 2006. Mr. Vitale nominated

Mr. Allison as chairperson seconded by Mr. Haan. Nominations were closed. On motion duly made, seconded and unanimously carried, Mr. Allison was elected Chairperson.

Mr. Allison was seated as Chairperson.

Mr. Allison, Chairman asked for nominations for Vice-Chairperson for the year 2006. Mr. Mr. Haan nominated Mr. Vitale second by Ms. Larkin. Nominations were closed. On motion duly made, seconded and unanimously carried, Mr. Vitale was elected Vice Chairperson for the year 2006.

Mr. Vitale moved, seconded by Mr. Haan, and unanimously carried, that the following resolution be adopted as presented naming Mr. Richard Oller, Esquire as Board Legal Counsel.

Mr. Clark moved, seconded by Mr. Vitale, and unanimously carried, that the following resolution be adopted as presented naming Mr. Adrian Humbert, Professional Planner for the year 2006:

Mr. Vitale moved, seconded by Mr. Calvanelli, and unanimously carried, that the following resolution be adopted as presented naming Mr. Ronald Graiff, Radio Frequency Consultant for the year 2006.

DESIGNATION OF BOARD LEGAL COUNSEL

WHEREAS, the Board of Adjustment of the Township of Morris has need for the professional services of Legal Counsel; and

WHEREAS, the practice of law is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$900.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Morris, Morris County, New Jersey, that the Chairman and Board Secretary are authorized to enter into an agreement for the period January 1, 2006 to December 31, 2006 to engage Richard Oller, Esq., as legal counsel at the rate of \$120.00 per hour with a minimum of \$180.00 for attendance at regular and special meetings of the Board. The total to be paid shall not exceed \$900.00 to be charged to the Board of Adjustment, Other Expense budget.

DESIGNATION OF BOARD PLANNING CONSULTANT

WHEREAS, the Board of Adjustment of the Township of Morris has need for the professional services of a Planning Consultant; and

WHEREAS, the practice of land use planning is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds in the amount of \$1,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Morris, Morris County, New Jersey that the Chairman and Board Secretary are authorized to enter into an agreement, for the period January 1, 2006 to December 31, 2006 with Adrian P. Humbert, AICP/P.P. of Adrian Humbert Associates at the rate of \$120.00 per hour with a minimum of \$180.00 or attendance at regular and special meetings of the board. The total expenditure shall not exceed \$1,000.00.

RADIO FREQUENCY CONSULTANT – RONALD E. GRAIFF, P.E.

WHEREAS, the Township of Morris Board of Adjustment has need for the professional services of a Radio Frequency Engineer; and

WHEREAS, this practice is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, charges incurred at the rate of \$ 215.00 per hour will be billed solely to the developers escrow account;

NOW, THEREFORE, BE IT RESOLVED by the Township of Morris Board of Adjustment that Mr. Ronald E. Graiff, PE be hired as a consultant to the Board of Adjustment to particularly discuss the site plan application of NYSMA d/b/a Verizon Wireless with the applicant's professionals to clarify certain issues and concerns of the Board. His appearance before the Board may be required in connection with this consultation.

An official notice of this action shall be published in accordance with the law.

* * *

The following **Professional Appointments** were made for the year 2006:

Board Engineer – James R. Slate, PE
Alternate Board Engineer – Bernard G. Senger III, PE
Board Secretary – Sonia Santiago

On motion made by Mr. Calvanelli, and seconded by Mr. Clark, all in favor, resolutions were adopted setting meeting dates for the year 2006/January 2007 and designating official newspapers.

**NOTICE OF SCHEDULED MEETINGS
FOR THE YEAR 2006 AND JANUARY 2007**

BE IT RESOLVED, that the Board of Adjustment of the Township of Morris, County of Morris, State of New Jersey, will meet to consider and act upon public business at **7:30 P.M.**, prevailing time, on each of the dates set forth below, for the year 2006, in the Municipal Building, 50 Woodland Avenue, Township of Morris, New Jersey:

January 23rd
February 27th
March 27th
April 24th
May 22nd
June 26th
July 24th
August 28th
September 25th
October 23rd
November 27th
December 11th
January 22nd, 2007

BE IT FURTHER RESOLVED that additional meetings, if required, will be at the call of the Chairman with the proper notification, and

BE IT FURTHER RESOLVED that the Secretary is authorized and directed to:

- a.) Post said meeting schedule and maintain the same posted throughout the year 2006 on the bulletin board in the Municipal Building of the Township of Morris on Woodland Avenue;
- b.) Mail a copy of same to the Morris County Daily Record, the Morris News Bee and the Star Ledger.

REGULAR MEETING

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the December 12, 2005 meeting:

BA-16-05

Daniel & June Meehan

Block 9401, Lot 13, 4 Pond Hill Road, RA-25 Zone. Section C.

Construction of a 15 ft. x 15 ft. rear addition creating a building coverage of 18.5% where a minimum building coverage of 15% is permitted.

Mr. Clark moved, seconded by Mr. Haan, roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as presented, memorializing the action taken by the Board at the December 12, 2005 meeting:

Roll Call: (Voting Members)

Ms. Larkin YES
Mr. Clark YES
Mr. Haan YES
Mr. Allison YES

BA- 33-03

Joseph Turner

Block 3103, Lot 52, 51 Mendham Avenue, RA25 zone.

Applicant requested 12 months extension of the variance relief previously granted.

Mr. Vitale moved, seconded by Mr. Haan, roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as presented, memorializing the action taken by the Board at the December 12, 2005 meeting:

Roll Call: (Voting Members)

Mr. Vitale YES
Mr. Clark YES
Mr. Haan YES
Mr. Allison YES

Resolution in recognition of service to Kathryn Zawacke was read for the record by Mr. Rich Oller.

Ms. Larkin moved, seconded by Mr. Vitale, and unanimously carried that the resolution of service is granted to Kathryn Zawacke for the years of service provided to the Township of Morris Board of Adjustment.

Mr. Vitale recused himself from the meeting at this time.

Public Hearing

BA-14-05

Steven Bosacki & Debra Bampton

Block 8501, Lot 14, 7 Kitchell Road, RA-15 Zone. Section C.

Continuation from the December 12, 2005 public hearing for the construction of an 8'8" x 4'6" front entrance stoop with uncovered stairs creating a front yard setback of 45 feet where a minimum of 50 ft. is required. Construction of 25 ft x 24.6 ft one story side rear addition creating a side yard setback of 16.13 ft. where a minimum side yard setback of 20 ft. is required and a 25 ft. x 24 ft. two story side yard two car garage addition creating a side yard setback 9.16 ft. where a minimum side yard setback of 20 ft. is required. The proposed side/rear yard addition and the proposed side yard garage addition will create a combined side yard of 25.29 ft. where a minimum combined side yard setback of 50 ft. is required.

Mr. Douglas Henshaw, attorney for the applicant presented the application to the Board Members.

The following persons appeared to be heard.

Steven Bosacki, Homeowner
John J. McDonough, Certified Landscape Architect/Planner

The following exhibits were submitted during testimony.

A-8 Colored Landscape Master Plan

A-9 Colored Landscape Master Plan cross section
A-10 Colored Landscape Master Plan cross section street view

Summary of Testimony – Steven Bosacki

Mr. Bosacki stated that inside the current garage there are two posts that support the structure that does not allow us to open the door of car to get out. I have to leave the family out in the driveway and then crawl out of the back door to get out of the car inside of the garage. Another issue we have is the drainage when we have heavy rain it gets flooded. We have had flood damage from the Floyd hurricane. Mr. Bosacki stated that he had spoken to the Healey family in regard to his plans.

The meeting was open to the public for questioning Mr. Bosacki; no one appeared to be heard.

Summary of Testimony – John McDonough

Mr. McDonough reviewed the exhibits submitted with the Board Members. Mr. McDonough stated that there will be landscaping done to the left and right to soften the improvements that are being done such as placing a dogwood tree with smaller plantings to soften the surrounding area and the improvements to the front entry.

The meeting was open to the public for questioning Mr. McDonough; no one appeared to be heard.

The meeting was opened to the public; the following person appeared to be heard
Richard Akivis 6 Kitchell Road

A lengthy discussion was carried among the board members and applicant attorney.

Mr. Clark moved, seconded by Mr. Calvanelli that approval is granted to the application of Steven Bosacki and Debra Bampton thereby permitting the rear addition and two car addition. Board Attorney authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the February 27, 2006 meeting of the Board.

Roll Call: (Voting Members)

Mr. Clark	YES
Ms. Larkin	YES
Mr. Haan	NO
Mr. Calvanelli	YES
Mr. Allison	NO

BA-10-05

Gerard & Carol Tourgee

Block 8406, Lot 4, 2 Bradley Road, RA-15 zone. Section C.

Construction of a 10 ft. x 6.5 ft. covered front entrance portico creating a front yard setback of 48.3 feet where 50 feet is required and an uncovered front stairs front yard setback of 46.5 feet where a minimum of 48 feet is required.

Proof of Publication and Affidavit of Service filed and approved by the Board Secretary and Board Attorney.

Mr. Gerard Tourgee, was sworn in by the Board Attorney and presented the application to the Board.

The following exhibits were submitted during testimony.

A-1 Photograph of the house and front elevation

Summary of Testimony – Gerard Tourgee

Mr. Tourgee reviewed the exhibit submitted with the Board members stating that the front door of the house has opened stairs and that he would like to enhance the entrance of the house by building a front entrance portico to protect the front door from inclement weather. The portico will be constructed to match the existing house.

The meeting was opened to the public; no one appeared to be heard; on motion duly made, seconded and carried, the public portion was closed.

Mr. Haan moved, seconded by Ms. Larkin that approval is granted to the application of Gerard and Carol Tourgee thereby permitting the front entrance portico. Board Attorney authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the February 27, 2006 meeting of the Board.

Roll Call: (Voting Members)

Mr. Clark	YES
Ms. Larkin	YES
Mr. Haan	YES
Mr. Calvanelli	YES
Mr. Allison	YES

BA-18-05

Mark Sullivan

Block 103, Lot 21, 10 Fairchild Avenue, RA-7 zone. Section C.

Applicant seeks approval for the construction of 1187 SF two story addition, 912 SF covered porch addition and a 240 SF shed. The proposed two story addition will create a 5 ft. side yard setback where a minimum side yard setback of 10 ft. is required. The proposed covered porch addition will create a 15 ft. front yard setback where a minimum front yard setback of 25 ft. is required and the proposed shed is to be located 5 ft. from the side property line where a minimum side yard setback of 10 ft. is required. This shed is to be located 7 ft. from the rear property line where a minimum rear yard setback of 25 ft. is required.

Proof of Publication and Affidavit of Service filed and approved by the Board Secretary and Board Attorney.

Mr. Mark Sullivan was sworn in by the Board Attorney and presented the application to the Board.

The following persons appeared to be heard on behalf of the applicant.

Mr. Bill McDonald, House designer

The following exhibits were submitted during testimony.

A-1 Variance Review

A-2 Enlarged Site Plan

The meeting was opened to the public the following persons appeared to be heard.

Glenn Yenovak

12 Fairchild Avenue

Bruce Flitcroft

6 Fairchild Avenue

Summary of Testimony – Mark Sullivan, Homeowner

Mr. Sullivan distributed exhibits A-1 and A-2 and reviewed it with the Board members. Mr. Sullivan stated that he was seeking relief from sections 95-28 and 95-36 (a) (1) to construct additional space for the growing family. The front yard variance it to place front steps to access the porch. This variance relief proposed is 15 ft. where a 25 ft. is required. The two story addition relief proposed is 5.17 ft. side yard setback where 10 ft. is required there will be a 2 ft. pop out to the western perimeter with a gable style roof to create an attractive architecturally detailed custom look. Placing a 240 sq. ft. shed creating a side yard setback of 5 ft. where a 10 ft. side yard setback is required. This smaller-sized shed will provide an additional 40 sf. of green space. Additionally, roof ridge drops from 15 ft to 13 ft.

After a lengthy discussion Mr. Sullivan was asked if he was willing to compromise and amend his application to eliminate the bump out on the side of the house to create a side yard setback of 5.6 ft. for the one foot bay window bump out and shifting the shed to provide an 8 ft. side yard set back. Mr. Sullivan agreed to amend his application.

Mr. Haan moved, seconded by Mr. Calvanelli that approval is granted to the amended application of Mark Sullivan thereby permitting the two story addition, covered porch addition and 240 ft. shed. Board Attorney authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the February 27, 2006 meeting of the Board.

BA-21-05

Michael & Tammy Resnikoff

Block 1602, Lot 5, 11 Walt Whitman Trail, RA-35 zone. Section C.

Applicant seeks approval for the construction of a 156 SF screened porch and a 475 SF deck creating a rear yard setback of 26.7 ft. where a 35 ft. rear yard setback is required.

Proof of Publication and Affidavit of Service filed and approved by the Board Secretary and Board Attorney.

Mr. Resnikoff, was sworn in by the Board Attorney and presented the application to the Board.

The following exhibits were submitted during testimony.

A-1 Two page photo of rear of the property

The meeting was opened to the public; no one appeared to be heard.

Summary of Testimony – Mr. Michael Resnikoff

Mr. Resnikoff stated that the purpose of building the closed-in deck is because his son is allergic to bee's and by expanding the enclosed deck he will be able to enjoy the outside without the fear of being sting by a bee. After a lengthy discussion Mr. Resnikoff was asked if he was willing to compromise and reduced the size of the extension of the deck by keeping the same deck line from the corner of the existing enclosed deck to the corner of the stairs. Mr. Resnikoff agreed to amend the application.

Mr. Calvanelli moved, seconded by Ms. Larkin that approval is granted to the application of Michael and Tammy Resnikoff thereby permitting the construction of a 156 ft. screened porch and 475 ft. deck and Board Attorney authorized to prepare a formal resolution memorializing the action taken by the Board, same to be presented for consideration at the February 27, 2006 meeting of the Board.

Other Matters

No other matters to be heard by the Township of Morris Board of Adjustment.

With no further business for consideration by the Township of Morris Board of Adjustment, on motion duly made, seconded and unanimously carried, the meeting was adjourned at 11:11 p.m.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Board of Adjustment